IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4286 OF 2005

The State of Maharashtra.... ... Applicant.

Versus

Dattatraya Jagu Shinde & Ors..... Respondents.

Mrs. M.H. Mhatre, APP for the Applicant/State.
None for the Respondents.

CORAM : D. B. BHOSALE, J.

DATED : 3RD JULY, 2006.

P.C.:

Heard learned APP for the Applicant / State.

2. This is an application under Section 378(3) of the Code of Criminal Procedure seeking leave to appeal against the Judgment and Order dated 1st January, 2005 passed by JMFC, Koregaon in R.C.C. No.80 of 2001 acquitting the Accused of the offence punishable under Sections 323, 452, 506(ii) r/w 34 of the Indian Penal Code.

3. The learned Sessions Judge after appreciating the

evidence of the Complainant and her daughters has observed that their evidence is not consistant and suffers from several contradictions and omissions, which has made it untrustworthy. Even the medical certificate, Exhibit 56, does not support the allegations of the Complainant that she was also assaulted in the alleged incident. The certificate does not show any external injury. As a matter of fact, the Complainant's evidence shows that she was not even referred for medical examination. Considering the reasons recorded by the court below on appreciation of the evidence on record, the impugned judgment cannot be said to be perverse and unreasonable. The view taken by the trial Court is reasonably possible view. In the circumstances, this application seeking leave to appeal against the impugned order is rejected.

Sd/-

(D. B. BHOSALE, J.)